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EXAMINER	
ALBERTALLI, BRIAN LOUIS	

ART UNIT	PAPER NUMBER
2626	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

Office Action Summary	Application No.	Applicant(s)	
	10/796,242	GONG ET AL.	
	Examiner	Art Unit	
	BRIAN L. ALBERTALLI	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 May 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Regarding the rejections to claims 10-18 under 35 U.S.C. 101 made in the previous Office Action, the amendment to the specification has removed the "propagated signal" language. Information carriers are now defined as including machine readable storage devices (page 12 of the specification), and are further defined to include all forms of non-volatile memory (such as CD-ROMS, etc., page 13 of the specification). Since the term "information carrier" now excludes non-statutory embodiments such as a carrier signal, the rejections to claims 10-18 under 35 U.S.C. 101 are withdrawn.

2. Regarding Applicant's arguments with respect to the prior art rejections, independent claims 1 and 10 have been amended to include a caching process at the speech animation engine. While Ostermann et al. do not disclose such a feature, Trower II et al. (U.S. Patent 5,983,190) previously submitted in an IDS on February 25 2005) discloses a speech animation engine which includes the caching process claimed. Further, It would have been obvious to one of ordinary skill in the art at the time of invention to modify Ostermann et al. to include a caching process, because these greatly increase the overall performance of an animation system. Thus, claims 1-18 remain rejected for the reasons given below.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-5, 7-14, and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ostermann et al. (U.S. Patent 6,963,839), in view of Trower II et al. (U.S. Patent 5,983,190).

In regard to claim 1, Ostermann et al. disclose a system (Fig. 4A), comprising:

a speech animation engine (animation server 68, column 5, lines 7-12); and

a client application in communication with the speech animation engine (client application 64, column 4, lines 54-59),

wherein the client application is operable to perform the following operations:

sending a request for speech animation to the speech animation engine, the request identifying data to be used to generate the speech animation (text with emoticons and other parameters is sent to animation server 68 to generate an animation that matches the text, column 5, lines 7-26), the speech animation being speech synchronized with facial expressions (animated characters are generated that appear to speak the submitted text message, column 5, lines 26-36);

receiving a response from the speech animation engine, the response identifying the generated speech animation (the animated message is returned to

the client, column 5, lines 37-52; by pointing to the appropriate location, column 7, lines 5-13); and

using the generated speech animation to animate a talking agent displayed on a user interface of the client application (the animated message is displayed to the client for viewing, column 7, lines 8-13);

and wherein the speech animation engine is operable to perform the following operations:

receiving the request for speech animation from the client application (animation server 68 receives the sender message, column 5, lines 7-17);

retrieving the data identified in the request without user intervention (the animation server 68 processes the received sender message without intervention, column 5, lines 18-22);

generating the speech animation using the retrieved data (the sender message is used to generate an animated message, column 5, lines 22-26); and

sending the response identifying the generated speech animation to the client application (the animated message is returned to the client, column 5, lines 37-52; by pointing to the appropriate location, column 7, lines 5-13).

Ostermann et al. do not disclose checking the request against a cache of previous requests;

retrieving the speech animation from a shared storage of previously generated speech animations if the request is identical to a previous request;

storing the request in the cache of previous requests;

generating the speech animation using the retrieved data if the request is not identical to a previous request; and

storing the generated speech animation to the shared storage.

Trower II et al. disclose a speech animation system (see abstract) wherein a speech animation engine (Fig. 3, animation server 100, column 5, line 65 to column 6, line 6) is operable to perform the following operations:

retrieving the speech animation from a shared storage of previously generated speech animations if the request is identical to a previous requests (Fig. 6, a cache is checked for previously generated frames in step 200; if the current frame is equal to a previously generated frame, the constructed frame that is already in the cache is returned, column 9, lines 32-44);

storing the request in the cache of previous requests (the most recently used frame ID is stored in the data cache, column 9, lines 36-39) ;

generating the speech animation using the retrieved data if the request is not identical to a previous request (if there is no matching frame ID in the data cache, the animation is generated in steps 204-208, column 9, lines 44-57); and

storing the generated speech animation to the shared storage (the generated animation is saved in the cache, column 57-60).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify Ostermann et al. to include the caching process as taught by Trower II et al., because data caching in a speech animation engine “significantly improves the

overall performance of the animation system", as taught by Trower II et al. (column 9, lines 39-41).

In regard to claim 2, Ostermann et al. disclose retrieving the data includes retrieving the data in real time (messages are processed in real time, column 6, lines 37-59).

In regard to claim 3, Ostermann et al. disclose the data specifies text to be used to generated the speech animation (text with emoticons and other parameters is sent to animation server 68 to generate an animation that matches the text, column 5, lines 7-26).

In regard to claim 4, Ostermann et al. disclose the text includes variable elements (emoticons and other parameters, column 5, lines 7-26).

In regard to claim 5, Ostermann et al. disclose the data specifies a voice to be used to generate the speech animation (the user selects a voice to be used, column 8, line 59 to column 9, line 6).

In regard to claim 7, Ostermann et al. disclose the request further identifies context information taken from a live session of the client application (during a live

instant messaging session, context information about the user's identity is included, column 6, lines 60-65); and

generating the speech animation includes incorporating the context information into the generated speech animation (when participant send their message, the corresponding character is animated, column 6, line 65 to column 7, line 4).

In regard to claim 8, Ostermann et al. disclose the context information includes information about a user of the client application (the identity of the user, column 6, lines 60-65).

In regard to claim 9, Ostermann et al. disclose the client application is a web application (HTML client, column 4, lines 54-64); and

the request is an HTTP request (the request is sent over the Internet 62, thus the request must inherently be an HTTP request, column 5, lines 7-12).

In regard to claim 10, Ostermann et al. disclose a computer program product, tangibly embodied in an information carrier, the computer program product being operable to cause data processing apparatus to perform operations (Fig. 4A, the animation server 68 executing computer code must necessarily comprise a computer program product containing the code) comprising:

receiving a request from a client application for speech animation, the request identifying data to be used to generate the speech animation, the speech animation

being speech synchronized with facial expressions (text with emoticons and other parameters is sent to animation server 68 to generate an animation that matches the text, column 5, lines 7-26);

retrieving the data without user intervention (the animation server 68 processes the received sender message without intervention, column 5, lines 18-22);

generating the speech animation using the retrieved data (the sender message is used to generate an animated message, column 5, lines 22-26); and

sending a response identifying the generated speech animation to the client application (the animated message is returned to the client, column 5, lines 37-52; by pointing to the appropriate location, column 7, lines 5-13).

Ostermann et al. do not disclose checking the request against a cache of previous requests;

retrieving the speech animation from a shared storage of previously generated speech animations if the request is identical to a previous request;

storing the request in the cache of previous requests;

generating the speech animation using the retrieved data if the request is not identical to a previous request; and

storing the generated speech animation to the shared storage.

Trower II et al. disclose a speech animation system (see abstract) wherein a speech animation engine (Fig. 3, animation server 100, column 5, line 65 to column 6, line 6) is operable to perform the following operations:

retrieving the speech animation from a shared storage of previously generated speech animations if the request is identical to a previous requests (Fig. 6, a cache is checked for previously generated frames in step 200; if the current frame is equal to a previously generated frame, the constructed frame that is already in the cache is returned, column 9, lines 32-44);

storing the request in the cache of previous requests (the most recently used frame ID is stored in the data cache, column 9, lines 36-39) ;

generating the speech animation using the retrieved data if the request is not identical to a previous request (if there is no matching frame ID in the data cache, the animation is generated in steps 204-208, column 9, lines 44-57); and

storing the generated speech animation to the shared storage (the generated animation is saved in the cache, column 57-60).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify Ostermann et al. to include the caching process as taught by Trower II et al., because data caching in a speech animation engine “significantly improves the overall performance of the animation system”, as taught by Trower II et al. (column 9, lines 39-41).

In regard to claim 11, Ostermann et al. disclose retrieving the data includes retrieving the data in real time (messages are processed in real time, column 6, lines 37-59).

In regard to claim 12, Ostermann et al. disclose the data specifies text to be used to generated the speech animation (text with emoticons and other parameters is sent to animation server 68 to generate an animation that matches the text, column 5, lines 7-26).

In regard to claim 13, Ostermann et al. disclose the text includes variable elements (emoticons and other parameters, column 5, lines 7-26).

In regard to claim 14, Ostermann et al. disclose the data specifies a voice to be used to generate the speech animation (the user selects a voice to be used, column 8, line 59 to column 9, line 6).

In regard to claim 16, Ostermann et al. disclose the request further identifies context information taken from a live session of the client application (during a live instant messaging session, context information about the user's identity is included, column 6, lines 60-65); and

generating the speech animation includes incorporating the context information into the generated speech animation (when participant send their message, the corresponding character is animated, column 6, line 65 to column 7, line 4).

In regard to claim 17, Ostermann et al. disclose the context information includes information about a user of the client application (the identity of the user, column 6, lines 60-65).

In regard to claim 18, Ostermann et al. disclose the client application is a web application (HTML client, column 4, lines 54-64); and

the request is an HTTP request (the request is sent over the Internet 62, thus the request must inherently be an HTTP request, column 5, lines 7-12).

5. Claims 6 and 15 rejected under 35 U.S.C. 103(a) as being unpatentable over Ostermann et al., in view of Trower II et al., and further in view of Phillips (U.S. Patent 6,507,811).

In regard to claims 6 and 15, Ostermann et al. and Trower II et al. do not disclose the data specifies a pool of synonyms; and

generating the speech animation includes selecting a synonym from the pool of synonyms.

Phillips discloses a system and computer program product for generating messages, wherein a user:

specifies a pool of synonyms (a list of one or more synonyms, column 6, lines 49-58); and

selecting a synonym from the pool of synonyms (one of the list of synonyms is selected at random to be included in the message, column 6, lines 58-63).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify Ostermann et al. and Trower II et al. to allow the user to specify a pool of synonyms and then select one of the synonyms during generation of the speech animation, because randomly selecting a synonym for inclusion in a message provides a highly amusing affect, as taught by Phillips et al. (see Abstract). Especially in the context of sending animated messages, one of ordinary skill in the art would be motivated to add features, such as selecting a synonym from a pool of synonyms, which would increase the amusement value of the animated messages.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRIAN L. ALBERTALLI whose telephone number is (571)272-7616. The examiner can normally be reached on Monday-Thursday, 8 AM to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on (571) 272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David R Hudspeth/
Supervisory Patent Examiner, Art Unit 2626

BLA 9/11/08